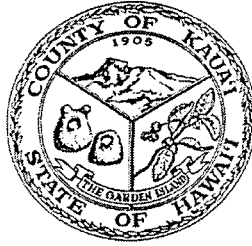


COUNTY COUNCIL

Mel Rapozo, Chair
Ross Kagawa, Vice Chair
Mason K. Chock
Gary L. Hooser
Arryl Kaneshiro
KipuKai Kualii
JoAnn A. Yukimura



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Scott K. Sato, Deputy County Clerk

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Council Services Division
4396 Rice Street, Suite 209
Lihue, Kauai, Hawaii 96766

MEMORANDUM

November 19, 2015

TO: Bernard P. Carvalho, Jr., Mayor
FROM: Mel Rapozo, Council Chair *MR*
RE: **NOVEMBER 18, 2015 COUNCIL MEETING RECAP**

This is to inform you of the action taken by the Council at its November 18, 2015 Council Meeting:

COMMUNICATIONS:

C 2015-278 Communication (10/20/2015) from the Mayor, transmitting for Council consideration for inclusion in the 2016 County of Kauai Legislative Package, A Bill for An Act authorizing the issuance of General Obligation Bonds and making an appropriation, in the amount of \$7,150,000 for the following:

- Adolescent Treatment and Healing Center
(Construction & Site Improvements) – \$5,000,000
- Centralized Auto Maintenance Facility
(Planning, Permitting & Design) – \$550,000
- Kauai Fire Department Helicopter Hangar
(Construction) – \$500,000
- Salt Pond Master Plan – \$400,000
- Veterans Cemetery Facility Construction &
Improvements – \$700,000

(Approved.)

C 2015-283 Communication (10/20/2015) from the Director of Finance, requesting Council approval to dispose the following government records from the Department of Finance – Real Property Assessment Division, pursuant to Section 46-43, Hawai'i Revised Statutes and Resolution No. 2008-39 (2008) as amended, which has been kept for over seven (7) years and are no longer of use or value:

- P-2 Forms (2006 and prior);
- P-64 Conveyances & Transfer Deeds (2006 and prior);
- Income Exemption & Circuit Breaker Applications (2006 and prior);
- Permanent Home Use Dedications (1993 and prior);
- Copies of construction plans (all copies – no requirement to save);
- Appraiser working papers (2006 and prior);
- Long-Term Affordable Rental Applications (2006 and prior); and
- Miscellaneous files (2006 and prior).

(Approved.)

C 2015-284 Communication (10/21/2015) from the Fire Chief, requesting Council approval to accept a donation of eleven (11) APX 7000XE portable radios, valued at eighty-four thousand dollars (\$84,000), from Motorola Solutions, Inc., in honor of Kaua'i Fire Department's 2010 and 2014 Benjamin Franklin Fire Service Awards for Valor, which will be used to enhance the communication ability of the Kaua'i Fire Department. ***(Approved with thank-you letter to follow.)***

C 2015-285 Communication (10/30/2015) from the Prosecuting Attorney, requesting Council approval to correctly reflect State contract amounts and time frames from agenda items (C 2015-152, May 19, 2015 Council Meeting and C 2015-265, October 21, 2015 Council Meeting) as follows:

1. Apply for, receive, and expend state funds, in the total amount of up to \$74,434, to fund one (1) Victim / Witness Trainee for the period of July 1, 2015 to September 1, 2015, one (1) Victim / Witness Counselor I for the period of September 2, 2015 to September 15, 2015, and one (1) Victim / Witness Trainee for the period of January 1, 2016 to June 30, 2017, and fringe benefits, for the Kaua'i Victim Witness Assistance Program 16-VW-03 Year 1 and Year 2, for the term July 1, 2015 through June 30, 2017; and
 2. To receive and expend State funds in the total amount of up to \$222,628, for the period of July 1, 2015 through June 30, 2017, for the continuation of the Kaua'i Career Criminal Prosecution Program. The funding will be expended on the salary and partial fringe benefits for the Special Prosecuting Attorney of the Career Criminal Prosecution staff; and
 3. Indemnify the State of Hawai'i Department of the Attorney General for the aforementioned program grants.
- (Approved.)***

C 2015-286 Communication (11/04/2015) from the Chief of Police, requesting Council approval to receive and expend funds from the State of Hawai'i Enhanced 911 (E-911) Board, pursuant to Section 138-5, Hawai'i Revised Statutes, for the following:

- Non-recurring funding, estimated in the amount of \$2,300,000, for next generation Public Safety Answering Point (PSAP) software suite which includes integrated Computer Aided Dispatch (CAD), Computer Aided Mobile (Mobile), Records Management System (RMS), and associated necessary hardware and software.
- Estimated recurring costs associated with the PSAP; which includes Master Street Address Guide (MSAG), Imagery License Agreement, CAD Maintenance, Trunk Charges (Primary and Alternate PSAP), Long Distance, Text to 911 Service Charges, and Alternate PSAP Call Routing Services for the following fiscal years (FY):
 - FY 2016 - \$755,729
 - FY 2017 - \$760,517
 - FY 2018 - \$941,704
 - FY 2019 - \$953,698
 - FY 2020 - \$953,698

(Approved.)

C 2015-287 Communication (11/05/2015) from the County Engineer, requesting Council approval to apply for, receive, and expend State of Hawai'i Department of Transportation Safe Routes to School (HDOT-SRTS) program funding, which are federal funds provided by Section 1404 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), as the HDOT is seeking applications to plan, develop, and implement eligible Safe Routes to School projects. ***(Approved.)***

C 2015-288 Communication (11/06/2015) from the Director of Finance, transmitting for Council consideration, an amendment to Ordinance No. B-2015-797, as amended, relating to the Capital Budget of the County of Kaua'i for the Fiscal Year 2015-2016, by revising the amounts estimated in the Development Fund CIP to establish the project "Kōloa/Po'ipū Intersection Improvements," as identified as condition #24 in Use Permit U-2005-32, Class IV Zoning Permit Z-IV-2005-38 for Po'ipū Realty Partners, LLC, and Kiahuna Mauka Partners, which was approved by the Planning Commission at its meeting held on December 19, 2005. *(Kōloa/Po'ipū Intersection Improvements, Po'ipū Realty Partners, LLC – \$41,000)* ***(Received for the Record.)***

C 2015-289 Communication (11/06/2015) from the Director of Finance, transmitting for Council consideration, an amendment to Ordinance No. B-2015-797, as amended, relating to the Capital Budget of the County of Kaua'i for the Fiscal Year 2015-2016, by revising the amounts estimated in the Development Fund CIP to establish the project "Kōloa/Po'ipū Intersection Improvements," as identified as condition #24 in Use Permit U-2006-10, Project Development Use Permit P.D. U-2006-11, Class IV Zoning Permit Z-IV-2006-13 for Kiahuna Fairways, LLC, and Kiahuna Mauka Partners, which was approved by the Planning Commission at its meeting held on March 17, 2006. *(Kōloa/Po'ipū Intersection Improvements, Kiahuna Fairways, LLC – \$47,750)* ***(Received for the Record.)***

C 2015-290 Communication (11/02/2015) from the County Attorney, requesting authorization to expend additional funds up to \$26,500 for Special Counsel's continued services provided in Kaua'i Police Commission, et al. vs. Bernard P. Carvalho, Jr., in his official capacity as the Mayor of the County of Kaua'i, Civil No. 12-1-0229 (Fifth Circuit Court), and related matters. ***(Approved as amended to authorize expending additional funds of up to \$5,000.)***

C 2015-291 Communication (11/05/2015) from the County Attorney, requesting authorization to expend additional funds up to \$40,000 for Special Counsel's continued services provided in Diana Gausepohl-White vs. County of Kaua'i, et al., Civil No. 13-1-0360 (Fifth Circuit Court), and related matters. ***(Approved.)***

C 2015-292 Communication (11/12/2015) from Councilmember Yukimura, transmitting for Council consideration for inclusion in the 2016 County of Kaua'i Legislative Package, A Bill for An Act authorizing the issuance of General Obligation Bonds and making an appropriation in the amount of \$5,000,000 for the purchase of the Courtyards at Waipouli affordable housing project. ***(Motion to approve failed.)***

LEGAL DOCUMENTS:

C 2015-266 Communication (10/01/2015) from the Director of Parks & Recreation, recommending Council approval of a License Agreement with Boys & Girls Club of Hawai'i, a non-profit Hawai'i corporation, for three (3) portables and a portion of the grounds immediately surrounding the portables located at the Kaua'i War Memorial Convention Hall in Līhu'e, Kaua'i, Hawai'i, being a portion of Royal Patent 4480, Land Commission Award 7713, Apana, Part I to V. Kamāmalu, to be used for youth-related activities in the Līhu'e area.

- License Agreement
(Deferred to the December 16, 2015 Council Meeting.)

C 2015-293 Communication (10/23/2015) from the Housing Director, recommending Council approval of a Second Amendment of Ground Lease with Rice Camp Partners, LP, and Ground Lease with Rice Hoala Partners, LP, for the Development of Rice Camp Senior Housing Phase II, Tax Map Key (TMK) No. (4) 3-6-009-001 and (4) 3-6-004-009, Līhu'e Kaua'i, Hawai'i, to include the following:

1. Execute a Second Agreement of Ground Lease with Rice Camp Partners, LP, to acknowledge the assignment, amend portions of Section 18 in the Ground Lease which will no longer be applicable to Rice Camp Partners, LP, and replace Exhibit "A" Property Description with a new Property Description for the Phase I Parcel;
2. Execute a Ground Lease with Rice Hoala Partners, LP, as Lessee for the Phase II Parcel, granting site control under the same terms as the Ground Lease dated March 17, 2014, for the portion of land described in Exhibit "A" Property Description as the Phase II Parcel; and
3. Authorize the County Clerk to sign lease documents for recordation with the Bureau of Conveyances. ***(Approved.)***

CLAIM:

C 2015-294 Communication (10/30/2015) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Haley Kuntz, for damages to her vehicle and personal injuries, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the County Attorney's Office for disposition and/or report back to the Council.)***

COMMITTEE REPORTS: **APPROVED.**

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2607) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-797, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUA'I, STATE OF HAWAI'I, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE DEVELOPMENT FUND (*Kōloa/Po'ipū Intersection Improvements, Po'ipū Realty Partners, LLC – \$41,000*) ***(Approved on 1st reading, Public Hearing scheduled for December 16, 2015, and referred to the Budget & Finance Committee.)***

Proposed Draft Bill (No. 2608) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-797, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUA'I, STATE OF HAWAI'I, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE DEVELOPMENT FUND (*Kōloa/Po'ipū Intersection Improvements, Kiahuna Fairways, LLC – \$47,750*) ***(Approved on 1st reading, Public Hearing scheduled for December 16, 2015, and referred to the Budget & Finance Committee.)***

BILLS FOR SECOND READING:

Bill No. 2599 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-796, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA'I, STATE OF HAWAI'I, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Kaua'i Fire Department, Aerial Apparatus Vehicle 10% County Match – \$71,909.00*) ***(Approved.)***

Bill No. 2600, Draft 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, SECTION 5A-11A.1, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO THE BENEFICIAL TAX RATE FOR PROPERTY USED FOR LONG-TERM AFFORDABLE RENTAL ***(Approved.)***

Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services Staff if you need further information. Please note that this memo presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

cc: KCT Department Heads (*Via E-mail*)
KCT CCs (*Via E-mail*)
Council Services Staff (*Via E-mail*)